

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER

February 2, 1998

UNITED STATES OF AMERICA,)	
Complainant)	
)	8 U.S.C. 1324a Proceeding
vs.)	
)	OCAHO Case No. 97A00145
ALLIANCE CONSTRUCTION, INC.,)	
Respondent)	

ORDER GRANTING COMPLAINANT'S
MOTION FOR DEFAULT JUDGMENT

On October 22, 1997, the undersigned issued an Order to Show Cause Why Complainant's Motion For Default Judgment Should Not Be Granted (Show Cause Order), in which respondent was ordered to show cause, within 20 days of service of that order by regular mail, why complainant's Motion for Default Judgment, filed on September 29, 1997, should not be granted, or, in the alternative, to have filed an answer comporting with the requirements set forth in the procedural regulations, specifically, 28 C.F.R. § 68.9(c).

On November 10, 1997, James Galloway, an officer of respondent corporation, timely filed a letter/pleading in response to the Show Cause Order. That filing did not constitute an answer which comports with the applicable OCAHO procedural rule.

On January 6, 1998, the undersigned issued an Order Reserving a Ruling on Complainant's Motion for Default Judgment to allow respondent an additional 20 days or until January 26, 1998 to comply with the previously issued Show Cause Order. To date, however, no response or answer has been received.

Accordingly, by the authority granted under 28 C.F.R. § 68.9 (b), complainant's September 29, 1997, Motion for Default Judgment is granted. It is found that respondent's failure to file an answer within the time provided by OCAHO rules constitutes a waiver of its rights to appear and contest the allegations of the Complaint.

Respondent is found to have violated IRCA, 8 U.S.C. § 1324a(a)(1)(B), in the manner alleged in Count I, by having failed to properly complete section 2 of the Forms I-9 for the six (6) individuals named therein, who were hired by respondent for employment in the United States after November 6, 1986, within three (3) business days of the hire.

Respondent is also found to have violated IRCA, 8 U.S.C. § 1324a(a)(1)(B), in the manner alleged in Count II, by having failed to ensure that the 11 individuals named therein, who were hired by respondent for employment in the United States after November 6, 1986, properly completed section 1, and also that respondent had failed to properly complete section 2 of the Forms I-9 for those individuals.

Accordingly, respondent is ordered to cease and desist from further violations of IRCA, 8 U.S.C. § 1324a(a)(1)(B), and is further ordered to pay civil money penalties totaling \$5,100, that penalty representing the sum of \$1,800 in Count I or \$300 for each of six (6) proven violations, and \$3,300 for Count II or \$300 for each of 11 proven violations.

Joseph E. McGuire
Administrative Law Judge

Appeal Information

This Order shall become the final order of the Attorney General unless, within 30 days from the date of this Order, the Chief Administrative Hearing Officer shall have modified or vacated it. Both administrative and judicial review are available to respondent, in accordance with the provisions of 8 U.S.C. § 1324a(e)(7) and (8), and 28 C.F.R. § 68.53.

CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of February, 1998, I have served copies of the foregoing Order Granting Complainant's Motion for Default Judgment to the following persons at the addresses shown, in the manner indicated:

Office of Chief Administrative Hearing Officer
Skyline Tower Building
5107 Leesburg Pike, Suite 2519
Falls Church, Virginia 22041
(original hand delivered)

Dea Carpenter, Esquire
Associate General Counsel
Immigration and Naturalization Service
425 "I" Street, N.W., Room 6100
Washington, D.C. 20536
(one copy sent via regular mail)

Angela Crider, Esquire
Immigration & Naturalization Service
P.O. Box 670049
Houston, Texas 77267-0049
(one copy sent via regular mail)

Alliance Construction, Inc.
P.O. Box 7886
The Woodlands, Texas 77387-7886
(one copy sent via regular mail)

Mr. James E. Galloway
Alliance Construction, Inc.
Chief Financial Officer
209 Cox Road
Conroe, Texas 77385
(one copy sent via regular mail)

Laurence C. Fauth
Attorney Advisor to
Joseph E. McGuire
Administrative Law Judge
Department of Justice
Office of the Chief Administrative
Hearing Officer
5107 Leesburg Pike, Suite 1905
Falls Church, Virginia 22041
(703) 305-1043